

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-mc-00206-FDW-WCM

JOHN DOES 1 THROUGH 7, )  
                            )  
Plaintiffs,             )  
v.                         )                           ORDER  
                            )  
THE TALIBAN,            )  
AL-QAEDA,                )  
THE HAQQANI NETWORK,    )  
                            )  
Defendants,             )  
                            )  
BANK OF AMERICA, N.A., )  
                            )  
Garnishee,                )  
                            )  
VTB Bank (Europe) SE    )  
                            )  
Intervenor.             )

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This matter is before the Court on a Motion to Stay VTB Bank (Europe) SE, I.L.'s Deadline to Respond to John Does 1 through 7's Motion for Release of Funds (Doc. 40).

By Order entered on September 5, 2023, the Court granted a Motion to Intervene and Stay Deadlines by VTB Bank (Europe) SE ("VTBE") and gave VTBE leave to file, on or before September 15, 2023, its Pleading Asserting Claims and Defenses (Doc. 21-3). Doc. 39. In addition, at VTBE's request, VTBE's deadline to file a response to Plaintiffs' Motion for Release of Funds

(Doc. 20) was extended through and including September 20, 2023. *Id.*

VTBE now asks the Court to stay the September 20, 2023 deadline for VTBE to respond to Plaintiffs' Motion for Release of Funds until after the Court has ruled on a motion to quash and dismiss that VTBE plans to file.

Presumably, VTBE will be submitting its Pleading Asserting Claims and Defenses (Doc. 21-3), which VTBE describes as an intervention pleading under Rule 24(c), Doc. 41 at 2, n.1, on or before September 15, 2023.

Instead of filing a response to Plaintiffs' Motion for Release of Funds, VTBE would then like to file a motion to vacate the writ of attachment and/or dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure.

However, it is not clear why VTBE's response to Plaintiffs' Motion for Release of Funds should be delayed pending a ruling on a forthcoming, but not yet filed, motion to vacate by VTBE. Put another way, it is not clear why a motion to vacate could not be filed simultaneously with, or close in time to, VTBE's response to Plaintiffs' Motion for Release of Funds.

Accordingly, VTBE's Motion to Stay VTB Bank (Europe) SE, I.L.'S Deadline to Respond to John Does 1 through 7's Motion for Release of Funds (Doc. 40) is **DENIED WITHOUT PREJUDICE**. This ruling does not preclude VTBE from seeking an additional limited extension of its deadline to respond to Plaintiffs' Motion for Release of Funds, if necessary.

It is so ordered.

Signed: September 12, 2023



W. Carleton Metcalf  
United States Magistrate Judge

